

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, JANUARY 15, 2009**

**Invocation:** Emmanuel Limuel, Jr., Pastor, Friendly Will Baptist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, January 15, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:25 a.m.

Mayor Wynn asked Council Members to report on upcoming agenda items; however, none were mentioned.

**CONSENT AGENDA**

The following items were acted on by one motion. No separate action occurred on any of the items.

1. Approve the minutes of the Austin City Council December 11 and 18, 2008 Regular meetings.  
The minutes from the meetings of December 11 and 18, 2008 were approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.
2. Authorize negotiation and execution of a nine-month contract with the AUSTIN AMERICAN-STATESMAN, Austin, TX for an Austin Energy advertising package which includes prominent ad placement on the Statesman's online LivingGreen site and discounted print advertising inserts in the Statesman's regular print edition, in an amount not to exceed \$82,000. Funding in the amount of \$82,000 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Recommended by the Electric Utility Commission.  
The motion authorizing the negotiation and execution of a nine-month contract with the Austin American-Statesman was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.
3. Authorize negotiation and execution of an agreement with The University of Texas, Austin, Texas, for a 4.353 acre Access Easement across the undeveloped portion of its property located on Montopolis Drive in Austin, Texas, in an amount not to exceed \$225,247.32. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. The Electric Utility Commission recommended approval of the related item for the construction of the access road and was briefed on the proposed purchase of this easement. Related to Item #15.  
The motion authorizing the negotiation and execution of an agreement with the University of Texas, Austin was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.

4. Authorize reimbursement of costs to Second Congress Ltd., a Texas limited Partnership, for the purchase and installation of two heat exchangers to interconnect The Austonian to the Austin Energy district cooling system, in an amount not to exceed \$250,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission.  
**The motion authorizing the reimbursement of costs to Second Congress Ltd. was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
5. Authorize reimbursement of costs to 98 San Jac Holdings Limited Partnership for the purchase and installation of two heat exchangers to interconnect the Four Seasons Residences to the Austin Energy district cooling system, in an amount not to exceed \$150,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Recommended by the Electric Utility Commission.  
**The motion authorizing the reimbursement of costs to 98 San Jac Holdings Limited Partnership was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
6. Approve the issuance of a Letter of Intent for a rebate in the amount of \$74,260.80 to Bodhi Yoga for the installation of a solar photovoltaic system at the project located at 12801 Shops Parkway, Austin, Texas, 78738. Funding in the amount of \$74,260.80 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.  
**The motion for the issuance of a letter of intent for a rebate was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
7. Authorize negotiation and execution of an Interlocal Agreement with The Lady Bird Johnson Wildflower Center, a division of the University of Texas at Austin to provide environmental monitoring, analysis and research services related to trail corridor planning for Walk for a Day for twelve months with authority to extend for an additional twelve months, in an amount not to exceed \$95,579. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the negotiation and execution of an interlocal agreement with the Lady Bird Johnson Wildflower Center was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
8. Approve a resolution authorizing acceptance of grants from the Federal Aviation Administration, the Transportation Security Administration, and other agencies of the United States Government in an amount not to exceed \$30,000,000, to the City of Austin, Department of Aviation, for Austin-Bergstrom International Airport for Fiscal Year 2008-2009. Grant reimbursement will apply to projects in the Fiscal Year 2008-2009 Capital and/or Operating Budgets of the Aviation Department. Grant funds will be placed in the Airport Capital Fund, the ABIA Improvement Funds and/or the ABIA Operating Fund.  
**Resolution No. 20090115-008 was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
9. Authorize the negotiation and execution of an Interlocal Agreement between the City of Austin and the Capital Area Council of Governments to acquire digital aerial imagery for a one-year term in an amount not to exceed \$215,103 through an existing contract between Capital Area Council of Governments and M. J. Harden Associates, Inc. Funding in the amount of \$215,103 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management Office.

**The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the Capital Area Council of Governments was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

10. Authorize the fee simple acquisition of Lot 10A, Block 1, Bergstrom Downs No. 1, locally known as 804 Patton Avenue, Austin, TX 78742 from The Billy J. Akers & Grace M. Akers Revocable Living Trust for the Airport Noise Mitigation Program, in the amount of \$107,000 for the land and improvements and \$48,900 relocation benefits, plus closing costs and moving related expenses in the amount of \$10,000, for an amount not to exceed \$165,900. Funding in the amount of \$165,900 is available in Fiscal Year 2008-2009 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.  
**The motion authorizing the fee simple acquisition was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
11. Authorize the fee simple acquisition of Lot 13, Block 3, Green Valley No. 1, a subdivision, according to the map or plat thereof, recorded in Volume 5, Page 27, of the Plat Records of Travis County, Texas, located at 1100 Eleanor Street from Raul Aguilar and Josefina Acevedo for the Lower Fort Branch - Voluntary Flood & Erosion Buyout, in the amount of \$134,000 for the land and improvements plus moving related expenses not to exceed \$10,000, for a total not to exceed \$144,000. Funding in the amount of \$144,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department.  
**The motion authorizing the fee simple acquisition was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
12. Approve a resolution to authorize the conveyance of 2.359 acres of land, more or less, out of the Jonathan Bittick Survey No. 500, Abstract No. 54, Travis County, Texas, described in Deed recorded in Volume 2503, Page 1, of Travis County, Texas, locally known as 10224 Moores Bridge Road to Travis County, pursuant to Texas Local Government Code §272.001(b)(5) for the fair market appraised value of \$123,000. Revenue generating sale of property. Funds received must be used in the Noise Mitigation Program in accordance with the current law.  
**Resolution No. 20090115-012 was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
13. Approve an ordinance authorizing negotiation and execution of an amendment to a lease agreement, and waiving certain related fees and costs for water service in an amount not to exceed \$30,855, for the lease between the City of Austin (Lessee) and NW Communications/KTBC-TV (Lessor) for property on Mt. Larson currently owned by NW Communications/KTBC and being used by the City of Austin for a radio tower. Funding for the construction cost is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission.  
**Ordinance No. 20090115-013 was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
14. Authorize the use of the Construction Manager at Risk method of contracting for facility construction for the Water Treatment Plant 4 as permitted by Subchapter H of Chapter 271 of the Texas Local Government Code. Reviewed by the MBE/WBE and Small Business Council Subcommittee. Reviewed by the Water and Wastewater Commission. Recommended by the Small Business Advisory Committee. Reviewed by the MBE/WBE and Small Business Council Subcommittee.  
**The motion authorizing the use of the construction manager at risk method of contracting was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

15. Authorize award, negotiation, and execution of a construction contract with AUSTIN ENGINEERING CO., INC, Austin, TX for the 2500 Montopolis Drive Access Road in an amount not to exceed \$355,032.60. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Low bid of five (5) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 9.75% MBE and 3.83% WBE subcontractor participation. Recommended by the Electric Utility Commission. Related to Item #3.  
**The motion authorizing the award, negotiation and execution of a construction contract with Austin Engineering Co., Inc. was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
16. Authorize execution of Change Order #5 to the construction contract with LAUGHLIN-THYSSEN, INC., HOUSTON, TX for the ACWP Govalle/Crosstown Abatement SSO in the amount of \$94,931.83 for a total contract amount not to exceed \$3,048,926.48. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 43.16% MBE and 6.59% WBE subcontractor participation to date including this change order. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the execution of change order number 5 to the construction contract with Laughlin-Thyssen, Inc. was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
17. Authorize execution of a construction contract with CASH CONSTRUCTION CO., INC., Pflugerville, TX for Robert Mueller Municipal Airport (RMMA) Redevelopment Service Extension Request (SER) 2278 North Pressure Zone Water Transmission Main (TM) Phase A in the amount of \$4,379,711 plus a \$218,989 contingency, for a total contract amount not to exceed \$4,598,700. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility. Lowest bid of nine (9) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 3.38% MBE and 3.27% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the execution of a construction contract with Cash Construction Co., Inc. was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
18. Authorize execution of a construction contract with ASD CONSULTANTS, INC., (MBE 54.05%) Austin, TX, for the Big Stacy Park Rain Garden Project in an amount not to exceed \$161,884. Funding in the amount of \$161,884 is available in the Fiscal Year 2008-2009 Capital Budget of the Watershed Protection and Development Review Department. Lower of two (2) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 54.05% MBE and 41.75% WBE subcontractor participation.  
**The motion authorizing the execution of a construction contract with ASD Consultants, Inc. was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
19. Approve a resolution naming the 2009 inductees to the Austin Music Memorial. There is no unanticipated fiscal impact. A fiscal note is not required. Austin Music Commission approved on December 1, 2008.  
**Resolution No. 20090115-019 was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

20. Authorize negotiation and execution of an agreement for commission of public artwork with Young-Min Kang, South Korea, for sculptural artwork that will be attached to the east and west mezzanine walls in the Austin Bergstrom International Airport, in an amount not to exceed \$108,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Aviation Department. The Art in Public Place Panel unanimously approved the artist's final design on December 8, 2008; the Austin Arts Commission unanimously approved the final design on December 15, 2008.  
**The motion authorizing the negotiation and execution of an agreement for commission of public artwork with Young-Min Kang was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
21. Approve negotiation and execution of an Interlocal Agreement between the City and the Austin Independent School District to provide funding for four programs: COMMUNITY EDUCATION (\$279,784); VICTORY TUTORIAL PROGRAM (\$234,002); AFTER-SCHOOL ENRICHMENT (\$801,527), and ADULT BASIC EDUCATION/ESL (\$113,532), for a total amount not to exceed \$1,428,845 for a one year term beginning January 1, 2009, with one renewal option in an amount not to exceed \$1,428,845, for a total contract amount not to exceed \$2,857,690. Funding in the amount of \$1,071,634 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department. The contract period for the Interlocal Agreement is January 1, 2009 through December 31, 2009. Funding for the balance of the Agreement and the renewal option is contingent upon available funding in future budgets.  
**The motion authorizing the negotiation and execution of an interlocal agreement between the City and the Austin Independent School District was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
22. Approve negotiation and execution of Amendment Number Six to the Interlocal Agreement among the City, Austin Travis County Mental Health and Mental Retardation Center, and Travis County for substance abuse treatment and related behavioral healthcare services, to renew the contract for a one-year term beginning January 1, 2009, and to increase City funding by \$21,947, for a total annual amount not to exceed \$1,776,904. Funding in the amount of \$486,743 is included in the Fiscal Year 2008-2009 Operating Budget for the Health and Human Services Department; \$232,500 is included from Community Court. Travis County will provide a total of \$817,914 (\$611,799 General Fund and \$206,115 Grant Funds). Funding for the balance of the agreement is contingent on available funding in future budgets.  
**The motion authorizing the negotiation and execution of amendment number 6 to the interlocal agreement among the City, Austin Travis County Mental Health and Mental Retardation Center, and Travis County was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
23. Approve an ordinance accepting \$7,259 in grant funds from the Texas Department of State Health Services, Division for Prevention and Preparedness, HIV/STD; and amending the Fiscal Year 2008-2009 Health and Human Services Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$7,259 for the Sexually Transmitted Disease Control Program that provides clinical and preventive services to the community to reduce sexually transmitted diseases. Funding in the amount of \$7,259 is available from the Texas Department of State Health Services, Division for Prevention and Preparedness, HIV/STD Program. The grant period is January 1, 2009 through December 31, 2009. No City match is required.  
**Ordinance No. 20090115-023 was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
24. Authorize execution of an 8-month Interlocal Agreement between the City and TEXAS AGRILIFE EXTENSION SERVICE, College Station, TX, for juvenile crime prevention services in the 78744 Youth

of Promise Initiative Community Youth Development Program beginning January 1, 2009 in an amount not to exceed \$45,000, with two 12-month renewal options, in an amount not to exceed \$67,500 per renewal option, for a total contract amount not to exceed \$180,000. Funding in the amount of \$45,000 is included in the Fiscal Year 2008 - 2009 Operating Budget of the Health and Human Services Department Special Revenue Fund. The initial contract period is January 1, 2009 through August 31, 2009. The grant period is September 1, 2008 through August 31, 2009. Funding for renewal options is contingent upon available funding in future budgets.

**The motion authorizing the execution of an interlocal agreement between the City and Texas Agrilife Extension Service was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

25. Authorize negotiation and execution of an amendment to an outside legal contract with Denton, Navarro, Rocha & Bernal for legal services related to Austin Firefighters Association v. City of Austin and Travis County Emergency Services District No. 9, cause no. D-1-GN-08-003824 in the 98th Judicial District Court of Travis County Texas, in an amount of \$20,000, for a total contract amount not to exceed \$73,000 (concerns an Automatic Aid Agreement with ESD No. 9). Funding in the amount of \$20,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Liability Reserve Fund.

**The motion authorizing the negotiation and execution of an amendment to an outside legal contract with Denton, Navarro, Rocha & Bernal was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

26. Authorize negotiation and execution of an amendment to legal services agreement with Scott, Douglass & McConnico, L.L.P., in connection with litigation, and litigation support services, including expert witnesses, related to Archer Western Contractors, Ltd. v. City of Austin, Cause No. D-1-GN-07-001790, 201st District, in an amount of \$1,600,000 for a total contract amount not to exceed \$3,338,500. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Austin Water Utility.

**The motion authorizing the negotiation and execution of an amendment to a legal services agreement with Scott, Douglass & McConnico, L.L.P. was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

27. Approve an ordinance amending Ordinance 20081120-086 to correct the future land use map for the Southeast Combined Neighborhood Plan attached to the Ordinance as Exhibit A for zoning case NPA-2008-0014.02, located at 6133-6235 East Stassney Lane.

**Ordinance No. 20090115-027 was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

28. Approve a resolution adopting the Barton Springs Pool Master Plan. There is no unanticipated fiscal impact. Recommended by the Historic Landmark Commission, the Design Commission, the Parks and Recreation/Environmental Boards Joint Subcommittee, the Parks and Recreation Board, the Environmental Board and the Planning Commission.

**Resolution No. 20090115-028 was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

29. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin and the University of Texas Center for Transportation Research (CTR) to study shared lane markings, colored bicycle lane markings, advanced stop lines, and the use of Bicyclists "May Use Full Lane" Signs in an amount not to exceed \$97,641. Funding in the amount of \$97,641 is available in the Fiscal Year 2008-2009 Capital Budget of the Public Works Department.

**The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the University of Texas Center for Transportation Research (CTR) was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

30. Approve a resolution adopting a prioritized list of transportation projects to submit to the Capital Area Metropolitan Planning Organization ("CAMPO") Board to be included in a future regional request by the CAMPO Board for funding from a national stimulus plan.  
**Resolution No. 20090115-030 was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
31. Authorize award and execution of a contract through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) with ALTEC INDUSTRIES INC., St. Joseph, MO, for the purchase of a 38-ton, truck-mounted crane in an amount not to exceed \$239,500. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Woman Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.  
**The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Altec Industries Inc. was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
32. Authorize award and execution of a 36-month requirements supply agreement with AMERICAN DIVERSITY BUSINESS SOLUTIONS, Spicewood, TX for utility statement forms and bond paper in an estimated amount not to exceed \$222,627, with three 12-month extension options in an estimated amount not to exceed \$74,209 per extension option, for a total estimated contract amount not to exceed \$445,254. Funding in the amount of \$49,473 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 28 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of five bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of a requirements supply agreement with American Diversity Business Solutions was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
33. Authorize award and execution of Amendment No. 3 to a requirements service agreement with APPLIANCE RECYCLING CENTER OF AMERICA, Minneapolis, MN to increase the current and remaining options for Austin Energy's Appliance Replacement and Recycling Program, in estimated amounts not to exceed \$127,837 for the current contract term and \$170,450 for each of the three remaining extension options, for a revised total estimated contract amount not to exceed \$2,777,719. Funding in the amount of \$127,837 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Funding for the extension options is contingent upon available funding in future budgets. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.  
**The motion authorizing the award and execution of amendment number 3 to a requirements service agreement with Appliance Recycling Center of America was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
34. Authorize award and execution of a contract with G CREEK CONSTRUCTION, Austin, TX for the purchase of an assembled workplace enclosure in an amount not to exceed \$94,347.46. Funding in the amount of \$94,347.46 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Sole proposal received. This contract will be awarded in compliance with Chapter 2-9C of the City Code

(Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract with G Creek Construction was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

35. Authorize award and execution of a 24-month requirements supply contract with JL-D MANAGEMENT CO., Del Valle, TX for the purchase of flexible base in an estimated amount not to exceed \$300,800, with three 12-month extension options in an estimated amount not to exceed \$150,400 per extension option, for a total estimated contract amount not to exceed \$752,000. Funding in the amount of \$112,800 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding for the remaining 15 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of seven bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract with JL-D Management Co. was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

36. Authorize award and execution of a 24-month requirements supply contract with SHRIEVE CHEMICAL COMPANY, The Woodlands, TX for the purchase of sulfuric acid for Austin Energy in an estimated amount not to exceed \$220,500, with three 12-month extension options in an estimated amount not to exceed \$110,250 per extension option, for a total estimated contract not to exceed \$551,250. Funding in the amount of \$82,688 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for the remaining 15 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract with Shrieve Chemical Company was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

37. Approve the ratification of a contract with SOLAR TURBINE INC., Houston, TX, for the purchase and installation of a gas turbine for use at Mueller Energy Center in an amount not to exceed \$857,650. Funding in the amount of \$857,650 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Critical Business Need. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion ratifying a contract with Solar Turbine Inc. was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

38. Authorize award and execution of a 24-month requirements supply contract with TRANSAMERICAN POWER PRODUCTS, INC., Houston, TX for the purchase of electric utility transmission and distribution steel poles in an estimated amount not to exceed \$14,656,504, with three 12-month extension options in an estimated amount not to exceed \$7,328,252 per extension option, for an estimated contract amount not to exceed \$36,641,260. Funding in the amount of \$14,656,504 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Lowest bid of six bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business

Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract with Transamerican Power Products, Inc. was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

39. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with INTERTECH FLOORING, Austin, TX, for the purchase and installation of carpet in an amount not to exceed \$74,060.94. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Aviation Department. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission.

**The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Intertech Flooring was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

40. Authorize award and execution of a contract with LTF ACQUISITIONS, LTD, Austin, TX, for the removal of carpet and the purchase and installation of terrazzo tile in an amount not to exceed \$78,883.78. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Aviation Department. Sole bid received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission.

**The motion authorizing the award and execution of a contract with LTF Acquisitions, LTD was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

41. Authorize award and execution of a 36-month requirements supply and service contract with THE WHITLOCK GROUP, Austin, TX for audio-visual equipment and maintenance in an estimated amount not to exceed \$273,780, with three 12-month extension options in an estimated amount not to exceed \$91,260 per extension option, for a total estimated contract amount not to exceed \$547,560. Funding in the amount of \$91,260 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Communications and Technology Management, CTECC. Funding for the remaining 27 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply and service contract with the Whitlock Group was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

42. Authorize award and execution of a 14-month requirements supply contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with METRO FIRE APPARATUS SPECIALIST, INC., Houston, TX for the purchase of Snap-tite fire hoses and accessories in an estimated amount not to exceed \$129,870, with one 12-month extension option in an estimated amount not to exceed \$129,870, for a total estimated contract amount not to exceed \$259,740. Funding in the amount of \$86,580 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Fire Department. Funding for the remaining six months of the original contract period and extension option is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9D

of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements supply contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Metro Fire Apparatus Specialist, Inc. was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

43. Authorize award and execution of a 36-month requirements service contract with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED (TIBH), Austin, TX for custodial services in an estimated amount not to exceed \$219,942, with three 12-month extension options in an estimated amount not to exceed \$73,314 per extension option, for a total estimated contract amount not to exceed \$439,884. Funding in the amount of \$48,876 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Fire Department. Funding for the remaining 28 months of the original contract period and extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of requirements service contract with Texas Industries for the Blind and Handicapped (TIBH) was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

44. Authorize award and execution of a 36-month requirements service contract with ALAMAR AUSTIN, INC. d/b/a AAMCO TRANSMISSIONS OF NORTH AMERICA, Austin, TX for remanufactured automatic transmissions and installation services for the Fleet Services Division in an estimated amount not to exceed \$315,000, with three 12-month extension options in estimated amounts not to exceed \$125,000 for the first extension option, \$150,000 for the second extension option, and \$175,000 for the third extension option, for a total estimated contract amount not to exceed \$765,000. Funding in the amount of \$75,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 27 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest responsive bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements service contract with Alamar Austin, Inc. doing business as Aamco Transmissions of North America was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

45. Authorize award and execution of a 36-month requirements service/supply contract with KINLOCH EQUIPMENT & SUPPLY, INC., Arlington, TX to provide repair services and captive repair parts for Elgin Street Sweepers in an estimated amount not to exceed \$504,400, with three 12-month extension options in estimated amounts not to exceed \$185,220 for the first extension option, \$194,481 for the second extension option, and \$204,205 for the third extension option, for a total estimated contract amount not to exceed \$1,088,306. Funding in the amount of \$120,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 27 months of the original contract period and extension options is contingent upon available funding in future budgets. Single Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing award and execution of requirements service/supply contract with Kinloch Equipment & Supply, Inc. was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

46. Authorize award and execution of a 36-month requirements service/supply contract with KINLOCH EQUIPMENT & SUPPLY, INC., Arlington, TX to provide repair services and captive repair parts for Vactor Sewer Cleaners in an estimated amount not to exceed \$551,687, with three 12-month extension options in estimated amounts not to exceed \$202,584 for the first extension option, \$212,714 for the second extension option, and \$223,349 for the third extension option, for a total estimated contract amount not to exceed \$1,190,334. Funding in the amount of \$131,250 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 27 months of the original contract period and extension options is contingent upon available funding in future budgets. Sharon Patterson, Buyer II, 972-4014. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

**The motion authorizing the award and execution of a requirements service/supply contract with Kinloch Equipment & Supply, Inc. was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

47. Authorize award and execution of a contract through the TEXAS LOCAL COOPERATIVE PURCHASING PROGRAM (BUYBOARD) with GT DISTRIBUTORS, INC., Austin, TX, for the purchase of tactical equipment for the Austin Police Department in an amount not to exceed \$107,998.99. Funding is available in the Fiscal Year 2008-2009 Special Revenue Fund of the Management Services Department, Office of Homeland Security and Emergency Management through the 2007 State Homeland Security Program funded by the U.S. Department of Homeland Security Grant Program. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.

**The motion authorizing the award and execution of a contract through the Texas Local Cooperative Purchasing Program with GT Distributors, Inc. was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

48. Authorize award and execution of a contract through the TEXAS MULTIPLE AWARD SCHEDULE (TXMAS) with REMOTEC, INC, Clinton, TN for the purchase of a robotic vehicle for the Austin Police Department in an amount not to exceed \$275,020. Funding is available in the Fiscal Year 2008-2009 Special Revenue Fund of the Management Services Department, Office of Homeland Security and Emergency Management through the 2007 State Homeland Security Program funded by the U.S. Department of Homeland Security Homeland Security Grant Program. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This contract is a Cooperative Contract; therefore, it is exempted under Chapter 791 of the Texas Government Code and no goals were established.

**The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Remotec, Inc. was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

49. Authorize award and execution of a 36-month requirements supply contract with KLEPZIG MATERIAL & TRUCKING, INC., Hutto, TX, for the purchase of dry rip rap rock in an estimated amount not to exceed \$284,250, with three 12-month extension options in an estimated amount not to exceed \$94,750 per extension option, for a total estimated contract amount not to exceed \$568,500. Funding in the amount

of \$71,062 is available in the Fiscal Year 2008-2009 Operating Budget of the Watershed Protection and Development Review Department. Funding for the remaining 27 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract with Klepzig Material & Trucking, Inc. was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.

Item 50 was pulled for discussion.

51. Approve an ordinance amending Section 12-4-64(D) of the City Code to add a portion of Hart Lane to the list of streets having a maximum speed limit of 20 miles per hour during certain times for students attending Murchison Middle School; and provide for emergency passage. Funding in the amount of \$500 for the installation of signs is available in the Fiscal Year 2008-2009 Child Safety Fund of the Public Works Department.

Ordinance No. 20090115-051 was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.

52. Approve an ordinance amending Section 12-4-64(D) of the City Code to add a portion of Cassady Drive to the list of streets having a maximum speed limit of 20 miles per hour during certain times for students attending Summit Elementary School; and provide for emergency passage. Funding in the amount of \$500 for the installation of signs is available in the Fiscal Year 2008-2009 Child Safety Fund of the Public Works Department.

Ordinance No. 20090115-052 was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.

53. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments were approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.

**Board**

**Nominated By:**

African American Resource Advisory Commission

Candice Wade

Council Member Cole

Austin Community Education Consortium

Suki Steinhauser

Mayor Wynn

Downtown Commission

James Moody

Mayor Wynn

Planning Commission

Gerardo Castillo

Council Member Martinez

Robert Mueller Municipal Airport Plan Implementation Advisory Commission

Michael Jones

Council Member Cole

Sustainable Food Policy Board

Allison Beadle  
Terri Buchanan  
Ellen Sweets

Mayor Wynn  
Mayor Pro Tem McCracken  
Council Member Cole

Waller Creek Citizen Advisory Committee

Joe Bolash (representative recommended by the Hotel Lodging Association) Council Member Cole

Dale Glover (representative recommended of the Downtown Austin Alliance) Council Member Cole

54. Approve an ordinance directing the City Manager to process an amendment to Ordinance No. 20081211-096, which adopted the Oak Hill Combined Neighborhood Plan, to change the land use designation on the future land use map for property located at 6102 Hill Forest Drive and 6110 Hill Forest Drive from higher-density single-family to single-family use; and to waive certain requirements of Chapter 25-1 of the Land Development Code regarding processing of the application. (Council Member Mike Martinez Council Member Laura Morrison)  
**Ordinance No. 20090115-054 was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
55. Approve an ordinance relating to regulatory, operational, and enforcement requirements for outdoor music venues; initiating review of existing codes and policies; adopting a temporary moratorium on the issuance or renewal of permits under Section 9-2-12 of the City Code; and declaring an emergency. (Council Member Mike Martinez Council Member Laura Morrison Council Member Randi Shade)  
**Ordinance No. 20090115-055 was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
56. Approve a resolution directing the City Manager to conduct a Citywide assessment of the City functions associated with promotion of live music and make a recommendation at the February 12th, 2009 City Council Meeting. (Mayor Will Wynn Council Member Mike Martinez Council Member Sheryl Cole)  
**Resolution No. 20090115-056 was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote. There was a friendly amendment from Council Member Martinez to extend the timeline in the resolution for the City Manager to report back to the City Council with recommendations to February 26, 2009.**
57. Approve a resolution directing the City Manager to negotiate a memorandum of agreement with the Hill Country Conservancy regarding development of the regional trail currently known as "Walk for a Day." (Mayor Will Wynn Council Member Lee Leffingwell Council Member Laura Morrison)  
**Resolution No. 20090115-057 was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
58. Approve a resolution directing the City Manager to make recommendations on and process the necessary code amendments to Chapter 25 of the Land Development Code to establish a new single-family base district zoning category allowing for clustering in environmentally sensitive areas, such as the Barton Springs Zone. (Council Member Laura Morrison Council Member Mike Martinez Council Member Lee Leffingwell)  
**Resolution No. 20090115-058 was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**
59. Approve a resolution directing the Animal Advisory Commission to evaluate and make recommendations on policies and programs proven to be effective at reducing the killing of homeless animals, including, but not limited to, policies and programs related to reducing the intake, and increasing live outcomes of sheltered animals. (Council Member Randi Shade Council Member Mike Martinez Council Member Laura Morrison)

**Resolution No. 20090115-059 was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

60. Approve a resolution supporting the Travis County Historical Commission's application to the Texas Historical Commission for a historical marker at the Lion's Municipal Golf Course in recognition of the historic significance of the integration of the golf course and the advancement of civil rights by the golf course's desegregation in 1951. (Council Member Sheryl Cole Council Member Laura Morrison Council Member Mike Martinez)

**Resolution No. 20090115-060 was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote. There was a friendly amendment from Council Member Cole to have the last Whereas in the resolution read, "WHEREAS, this distinction marks the integration of the Lions Municipal Golf Course in Austin."**

61. Approve waiver of park rental fees for the Bangladesh Association of Greater Austin's (BAGA) "Bengali New Year 2009" to be held at Waterloo Park on Saturday, April 18, 2009. (Mayor Pro Tem Brewster McCracken Council Member Randi Shade Council Member Sheryl Cole)

**The motion for waiver of park rental fees for the Bangladesh Association of Greater Austin's (BAGA) "Bengali New Year 2009" was approved on consent on Council Member Cole's motion, Council Member Shade's second on a 7-0 vote.**

62. Set a public hearing to consider an ordinance amending the local standards of care for the Parks and Recreation Department's children's' recreation program,(suggested date and time: January 29, 2009, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

**The public hearing was set for January 29, 2009 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, Texas.**

Items 63 through 69 were Executive Session items.

Item 70 was an action on Executive Session item.

Item 71 was a briefing item set for 2:00 p.m.

Items 72 through 102 were zoning items set for 4:00 p.m.

Item 103 was a public hearing item set for 6:00 p.m.

### **DISCUSSION ITEM**

50. Approve a resolution adopting the Zero Waste Strategic Plan. Recommended by Solid Waste Advisory Commission, with additional comments and priorities.

**Resolution No. 20090115-050, with the following amendments, was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 6-0 vote. Mayor Wynn was off the dais. The amendments are as follows.**

**The last paragraph on the first page should read, "The City Council adopts the Zero Waste Strategic Plan, attached hereto as Exhibit A and hereafter referenced as the "Plan," as a long term planning vehicle and further directs the City Manager to incorporate the Plan into the development of a Solid Waste Services Master Plan. City Council recognizes that the policy and program recommendations in Section C of the Plan may necessitate changes to rules, ordinances, and/or policies, and will require on-going collaboration with key stakeholders, public private partnerships,**

and close coordination with public and privately owned regional waste disposal facilities and recycling and compost operations.”

Add a new sentence in the second paragraph on page two to read, “City Council approval is required for any changes to existing policies in effect as of January 14, 2009 with regard to control over pricing, collection and disposition of commercial solid waste and commercial recyclable materials, or to impose surcharges to, or limit the rights of, area landfill operators to receive waste.”

The last bullet on page three should read, “Encourage existing landfill operators to collect methane gas, and initiate a study of issues surrounding the use of landfill methane as an energy resource and its implications for the City’s goals regarding zero waste and climate protection.”

#### **CITIZEN COMMUNICATION: GENERAL**

Frances Martinez - Save our Barrio from further gentrification. Impose homestead exemptions. She was not present when her name was called.

Emily Barrett - Windsor Park traffic light issue

Rae Nadler-Olenick - Water Fluoridation

Ms. Phillip A. Dick - Police Department monitor, Identity theft and insurance fraud. She was not present when her name was called.

Carolannrose Kennedy - THE PLEDGE of ALLYGENTS. She was not present when her name was called.

Sylvia Mendoza - City Issues

Marcos de Leon - Bote no on 2020 Cesar Chavez request for a change in zoning to allow wine and Liquor sales. He was not present when his name was called.

Gus Pena - Budget, City Issues

Paul Hernandez - Justice and equity for Poor Homeowners in East Austin. He was not present when his name was called.

Gavino Fernandez, Jr. - East Tour and South by Southwest biggest intrusion and violation of home privacy of the Year. People who visit this event in Tejano Town, urinate in front of our yards, violate sound ordinance, violate zoning codes. Please Help. He was not present when his name was called.

Mayor Pro Tem McCracken recessed the Council Meeting to go into Executive Session at 12:27 p.m.

#### **EXECUTIVE SESSION**

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

63. Discuss legal issues related to the application of Waste Management of Texas for a lateral expansion of its landfill located in Northeast Travis County, known as the Austin Community Recycling and Disposal Facility, the subject of SOAH Docket No. 582-08-2186. (Private Consultation with Attorney - Section 551.071).
64. Discuss legal issues related to various agreements with the Austin Revitalization Authority (Private Consultation with Attorney - Section 551.071).
65. Discuss legal issues related to the application of BFI Waste Systems of North America for a vertical expansion of its landfill located in Northeast Travis County, known as the Sunset Farms Landfill ("the Landfill"), the subject of SOAH Docket No. 582-08-2178. (Private Consultation with Attorney - Section 551.071). Related to Item #70.
66. Discuss legal issues regarding the purchase, exchange, lease or value of real property locally known as the Lions Municipal Golf Course, generally located at the intersection of Lake Austin Boulevard and Enfield Road. (Private Consultation with Attorney - Section 551.071). Related to Item #67.  
**This item was withdrawn.**
67. Deliberate the purchase, exchange, lease or value of real property locally known as the Lions Municipal Golf Course, generally located at the intersection of Lake Austin Boulevard and Enfield Road. (Real Property - Section 551.072). Related to Items #66.  
**This item was withdrawn.**
68. Discuss legal issues for property located at 328 Heartwood related to: appeal of site plan disapproval; pending code enforcement action; and a floodplain variance request. (Private Consultation with Attorney - Section 551.071).
69. Discuss legal issues regarding No. 03-04-00240-CV; Northwest Austin Municipal Utility District No. 1, Don Zimmerman, William C. Ferguson, and Alan R. Weiss v. City of Austin; Mayor Will Wynn, Brewster McCracken, Lee Leffingwell, Mike Martinez, Randi Shade, Laura Morrison, and Sheryl Cole, in their Official Capacities as City Council Members, in the Texas Court of Appeals, Third District, at Austin, Texas. (Private Consultation with Attorney - Section 551.071).

**Executive Session ended and Mayor Wynn called the Council Meeting back to order at 2:40 p.m.**

#### **ACTION ON EXECUTIVE SESSION**

70. Take possible action related to the application of BFI Waste Systems of North America for a vertical expansion of its landfill located in Northeast Travis County, known as the Sunset Farms Landfill ("the Landfill"), the subject of SOAH Docket No. 582-08-2178. Related to Item #65.  
**Due to a lack of a motion, this item was withdrawn.**

#### **BRIEFING**

71. Hispanic/Latino Quality of Life Initiative Briefing  
The presentation was made by Rudy Garza, Assistant City Manager; Ryan Robinson, City Demographer; and Paul Saldana, Adelante Solutions, Inc.

**Mayor Wynn recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:42 p.m. See separate minutes.**

Mayor Wynn recessed the Council Meeting at 3:46 p.m.

Mayor Wynn called the Council Meeting back to order at 4:17 p.m.

### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

72. C14-2008-0094 - 8th Street Triangle - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 700 E. 8th (Waller Creek Watershed) from public (P) district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning. First reading approved on December 11, 2008. Vote: 7-0. Applicant: City of Austin, Contract and Land Management. Agent: Lauraine Rizer. City Staff: Robert Heil, 974-2330.  
**The motion to postpone this item to January 29, 2009 at the staff's request was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.**
73. C14-2008-0203 - Lake at Parkline - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Pecan Park Blvd. and Lake Creek Parkway (Lake Creek Watershed) from development reserve (DR) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. First reading approved on December 18, 2008. Vote: 6-0 (McCracken off the dais). Applicant: Tower 27, LP (Jim Gallegos). Agent: Bury and Partners (James Gradin). City Staff: Robert Heil, 974-2330.  
**Ordinance No. 20090115-073 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.**
74. C14-2008-0215.SH - The Willows Apartments - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1330 & 1332 Lamar Square Drive (Bouldin Creek Watershed) from multi-family residence-moderate high density (MF-4) district zoning to multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. First Reading approved on December 11, 2008. Vote: 7-0. Applicant: The Mary Lee Community (Charlene Crump). Agent: DAVCAR Engineering (David Carroll, Scott Evers). City Staff: Stephen Rye, 974-7604.  
**Ordinance No. 20090115-074 for multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.**
75. C14-2008-0052 - TJG - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9609 Swanson's Ranch Road (Slaughter Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to general office-conditional overlay (GO-CO) combining district zoning. First reading approved on November 20, 2008. Vote: 6-0 (McCracken absent). Second reading approved on December 18, 2008. Vote: 5-1 (Morrison-Nay; McCracken-off the dais). Applicant: T.J. Greaney. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.  
**Ordinance No. 20090115-075 for general office-conditional overlay (GO-CO) combining district zoning was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 6-1 vote. Council Member Morrison voted nay.**
76. C14-2007-0102 - Hill Country Springs - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10019 IH-35 South (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial service-

conditional overlay (LI-CO) combining district zoning for Tract 1; community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2; and rural residence-conditional overlay (RR-CO) combining district zoning for Tract 3. First reading approved on January 17, 2008. Vote: 7-0. Applicant and Agent: Hill Country Springs (Lonnie K. and Cathy Ardrey). City Staff: Wendy Rhoades, 974-7719.

**Ordinance No. 20090115-076 for limited industrial service-conditional overlay (LI-CO) combining district zoning for Tract 1; community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2; and rural residence-conditional overlay (RR-CO) combining district zoning for Tract 3 was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.**

85. C14-2008-0031 - MLK Jr. Blvd. Station Area Plan - Approve third reading of an ordinance adopting the MLK Jr. Blvd. Station Area Plan and transit oriented development (TOD) district zoning for all properties within the boundaries of the MLK Jr. Blvd. Station Area, generally bounded by Boggy Creek on the north and east; the Northwest and Austin Railroad on the east; East 12th Street on the south; and Ulit Avenue, Miriam Avenue, Alexander Avenue, and Randolph Road on the west, including select properties at the intersections of MLK Jr. Blvd. with Airport Blvd. and Manor Rd. with Airport Blvd. First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

**The motion to postpone this item to February 12, 2009 at the owner's request was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.**

86. C14-2008-0031 - MLK Jr. Blvd. Station Area Plan (2900 Manor Road) - Conduct a public hearing and approve third reading of an ordinance adopting the MLK Jr. Blvd. Station Area Plan and transit oriented development (TOD) district zoning for 2900 Manor Road, located within the boundaries of the MLK Jr. Blvd. Station Area, generally bounded by Boggy Creek on the north and east; the Northwest and Austin Railroad on the east; East 12th Street on the south; and Ulit Avenue, Miriam Avenue, Alexander Avenue, and Randolph Road on the west, including select properties at the intersections of MLK Jr. Blvd. with Airport Blvd. and Manor Rd. with Airport Blvd. First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694. A valid petition has been filed in opposition to this rezoning request.

**The motion to postpone this item to February 12, 2009 at the owner's request was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.**

87. NPA-2008-0003.01 - Chestnut Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 990715-113, the Chestnut Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Chestnut Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

**The motion to postpone this item to February 12, 2009 at the owner's request was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.**

88. NPA-2008-0008.01 - Rosewood Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 011129-67, the Rosewood Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Rosewood Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading

approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

**The motion to postpone this item to February 12, 2009 at the owner's request was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.**

89. NPA-2008-0012.01 - Upper Boggy Creek Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Upper Boggy Creek Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

**The motion to postpone this item to February 12, 2009 at the owner's request was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.**

90. NPA-2008-0015.01 - East MLK Combined Neighborhood Plan Amendment - Approve third reading of an ordinance amending Ordinance No. 021107-Z-11, the East MLK Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the MLK Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Second reading approved on November 6, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

**The motion to postpone this item to February 12, 2009 at the owner's request was approved on consent on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.**

### ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate action occurred on any of the items. The public hearings were closed.

91. C814-2008-0146 - Oertli PUD - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12422 & 12424 Dessau Road and 1200 East Parmer Lane (Harris Branch/Walnut Creek Watershed) from development reserve (DR) district zoning and single-family residence-standard lot (SF-2) district zoning to planned unit development (PUD) district zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning with conditions. Zoning and Platting Commission Recommendation: To be reviewed on January 20, 2009. Applicant: Jerry Oertle Estate (Linda Oertli). Agent: Drenner & Golden Stuart Wolff, LLP (Michele Rogerson). City Staff: Clark Patterson, 974-7691.

**The motion to postpone this item to February 26, 2009 at the staff's request was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Martinez was off the dais.**

92. C14-2008-0152 - 6300-6302 U.S. Hwy 290 West - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6300 U.S. 290 West (Barton Creek Watershed - Barton Springs Zone) from general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant general commercial services-conditional overlay-neighborhood

plan (CS-CO-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to change a condition of zoning. Applicant: Tejas Land & Commerce (Charles Draper). Agent: Thrower Design (Ron Thrower). City Staff: Stephen Rye, 974-7604.

**Ordinance No. 20090115-092 for general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning to change a condition of zoning was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Martinez was off the dais.**

93. 011509 - C14-2008-0159 - 3rd and Colorado Hotel - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 311 Colorado, 301 Colorado and 114 W. 3rd St. (Town Lake Watershed) from central business district (CBD) district zoning to central business district-central urban redevelopment (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment (CBD-CURE) combining district zoning. Planning Commission Recommendation: To be reviewed on January 27, 2009. Applicant: S/H Austin Partnership (John Beauchamp). Agent: Drenner & Golden Stuart Wolff, LLP (Michele Haussmann). City Staff: Clark Patterson, 974-7691.

**The motion to postpone this item to February 26, 2009 at the staff's request was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Martinez was off the dais.**

94. C14-2008-0227 - Live Oak Brewing Co. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1615 Crozier Lane (Colorado River Watershed) from interim-rural residence (I-RR) district zoning to limited industrial service (LI) district zoning. Staff Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning with conditions. Applicant and Agent: Live Oak Brewing Co. (Hoyt E. McElroy). City Staff: Stephen Rye, 974-7604.

**The first reading of the ordinance for limited industrial service-conditional overlay (LI-CO) combining district zoning with conditions was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Martinez was off the dais.**

95. C14T-03-0001.01 - Pioneer Hill TND Amendment #1 - Conduct a public hearing and approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Dessau Road (Walnut Creek Watershed) from traditional neighborhood district (TND) district zoning to traditional neighborhood district (TND) district zoning to change a condition of zoning. First reading approved on November 6, 2008. Vote: 7-0. Applicant: Estate of Fred Morse (Scott Morse); Continental Homes of Texas (Richard N. Maier). Agent: D.R. Horton (Kate Forbes). City Staff: Robert Heil, 974-2330.

**Ordinance No. 20090115-095 for traditional neighborhood district (TND) district zoning to change a condition of zoning was approved, with the following amendment, on consent, on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Martinez was off the dais. The amendment was to allow right and left turn only upon leaving the property. No straight through.**

96. C814-96-0003.06 - Pioneer Crossing Amendment #6 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as West Braker Lane at Musket Valley Trail (Walnut Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning to change a condition of

zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning to change a condition of zoning. Applicant: Pioneer Crossing Corporation (Ralph Reed). Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Wendy Rhoades, 974-7719.

**Ordinance No. 20090115-096 granting planned unit development (PUD) district zoning to change a condition of zoning was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Martinez was off the dais.**

97. C14-2008-0210 - Ashok Medical Office - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12554-12622 Metric Boulevard (Walnut Creek Watershed) from neighborhood office (NO) district zoning to general office (GO) district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning with conditions. Applicant: Catoosa Springs Partners (John Bultman III). Agent: Bennett Consulting (Jim Bennett). City Staff: Clark Patterson, 974-7691.

**Ordinance No. 20090115-097 for general office-conditional overlay (GO-CO) combining district zoning with conditions was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Martinez was off the dais. The condition was to limit the height of a building or structure on the property to 40 feet.**

99. C14-2008-0112 - Minware - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4209 Clawson Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Planning Commission Recommendation: To deny community commercial (GR) district zoning. Applicant and Agent: Robert W. Anderson, Jr. City Staff: Clark Patterson, 974-7691. A valid petition has been filed in opposition to this rezoning request.

**The motion to postpone this item to January 29, 2009 at the applicant's request was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Martinez was off the dais.**

100. C14-2008-0204 - R. I. T. Inc. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6516 and 6520 South 1st Street (Williamson Creek Watershed) from limited office (LO) district zoning to community commercial (GR) district zoning. Staff Recommendation: To deny community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To deny community commercial (GR) district zoning. Applicant and Agent: R. I. T. Inc. (Roberto J. Reyna). City Staff: Wendy Rhoades, 974-7719.

**The motion to postpone this item to February 12, 2009 at the applicant's request was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Martinez was off the dais.**

101. C14-2008-0217 - Peaceful Hill Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8524 Peaceful Hill Lane (Onion Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant: Randall L. Smitheal Family Trust (Amanda Tatum/Jeremy Smitheal). Agent: McLean & Howard L.L.P. (Jeffrey S. Howard). City Staff: Wendy Rhoades, 974-7719.

The motion to postpone this item to January 29, 2009 at the applicant's request was approved on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Martinez was off the dais.

102. C814-06-0233 - Wildflower Commons Planned Unit Development - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4700-5200 Block of SH 45 (Bear Creek Watershed; Slaughter Creek Watershed - Barton Springs Zone) from single-family residence-standard lot (SF-2) district zoning and general office (GO) district zoning to planned unit development (PUD) district zoning. The Land in the PUD is within the area known as the Barton Springs Zone in which the City's Save Our Springs (SOS) ordinance applies. Application of City ordinances to development of the land is affected by the "Settlement Agreement By and Between the City of Austin and the Bradley Parties" (commonly known as the Bradley Agreement) that ended litigation over development of the land in 2000. PUD zoning may also modify City ordinances applicable to development of the land. Staff Recommendation: To grant planned unit development (PUD) district zoning with conditions. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning with conditions. Applicant: Wildflower Commons, I, L.P. and Wildflower Commons II, L.P. (William S. Walters, III). Agent: Drenner & Golden Stuart Wolff L.L.P (Michele C. Haussmann). City Staff: Wendy Rhoades, 974-7719.
- This item was postponed to January 29, 2009 at the applicant's request on consent on Council Member Morrison's motion, Council Member Leffingwell's second on a 6-0 vote. Council Member Martinez was off the dais.

#### DISCUSSION ITEMS

77. NPA-2007-0012.02 - 1600 Block of East MLK (1600, 1602, 1604, and 1606 E. Martin Luther King Jr. Blvd.) - Approve second/third readings of an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) from single family to neighborhood mixed use for the properties located at 1600, 1602, 1604, and 1606 E. Martin Luther King, Jr. Blvd. (Boggy Creek Watershed). First reading approved on December 11, 2008. Vote: 5-2 (Leffingwell and Morrison voted Nay). Applicant: E-MLK Properties LLC. Agent: Ryan Diepenbrock, PSW Real Estate. City Staff: Kathleen Fox, 974-7877
- The second reading of the ordinance to change the land use designation to neighborhood mixed use was approved on Mayor Pro Tem McCracken's motion, Mayor Wynn's second on a 4-3 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem McCracken and Council Members Cole and Shade. Those voting nay were: Council Members Leffingwell, Martinez and Morrison.
78. C14-2008-0099 - 1600 Block of East MLK - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1600, 1602, 1604 and 1606 E. Martin Luther King Jr. Boulevard (Upper Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood commercial-mixed use-vertical mixed use building-conditional overlay-central urban redevelopment-neighborhood plan (LR-MU-V-CO-CURE-NP) combining district zoning. First reading approved on December 11, 2008. Vote: 5-2 (Leffingwell and Morrison voted Nay). Applicant: E-MLK Properties, L.L.C. Agent: Ryan Diepenbrock, PSW Real Estate. City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request.
- The second reading of the ordinance for neighborhood commercial-mixed use-vertical mixed use building-conditional overlay-central urban redevelopment-neighborhood plan (LR-MU-V-CO-CURE-NP) combining district zoning was approved on Mayor Pro Tem McCracken's motion, Mayor Wynn's second on a 4-3 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem

McCracken and Council Members Cole and Shade. Those voting nay were: Council Members Leffingwell, Martinez and Morrison.

79. NPA-2008-0012.02 - Project Destiny - Approve second/third readings of an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from single-family to office mixed use for the property located at 4315 Airport Boulevard (Boggy Creek Watershed). First reading approved on December 11, 2008. Vote: 5-2 (Leffingwell and Morrison voted Nay.) Applicant and Agent: Brian Guequierre. City Staff: Mark Walters, 974-7695.  
The motion to deny this request to change the Future Land Use Map was approved on Council Member Shade's motion; Council Member Martinez' second on a 6-1 vote. Mayor Wynn voted nay. Staff was directed to bring a resolution forward at the January 29, 2009 Council meeting directing the staff to establish a method and timeline to allow the applicant to have the sign he was requesting.
80. C14-2008-0171 - Project Destiny - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4315 Airport Boulevard (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood office-mixed use-conditional overlay-neighborhood plan (NO-MU-CO-NP) combining district zoning. First reading approved on December 11, 2008. Vote: 5-2 (Leffingwell and Morrison voted Nay.) Applicant and Agent: Brian Guequierre. City Staff: Joi Harden, 974-2122.  
The motion to deny this request for a zoning change was approved on Council Member Shade's motion; Council Member Martinez' second on a 6-1 vote. Mayor Wynn voted nay. Staff was directed to bring a resolution forward at the January 29, 2009 Council meeting directing staff to establish a method and timeline to allow the applicant to have the sign he was requesting.
81. C14-2008-0128 - 5005 Spicewood Springs Road - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5005 Spicewood Springs Road (Bull Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to townhouse and condominium residence (SF-6) district zoning. First reading approved on September 25, 2008. Vote: 7-0. Second reading approved on October 16, 2008. Vote: 7-0. Applicant: Morin Scott. Agent: Wiler & Associates (Holland Wiler). City Staff: Clark Patterson, 974-7691.  
The motion to postpone this item to February 12, 2009 was approved on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting at 5:34 p.m.

#### LIVE MUSIC

Jeff Lofton

#### PROCLAMATIONS

Mayor Wynn called the Council Meeting back to order at 6:17 p.m.

#### ZONING DISCUSSION ITEMS CONTINUED

82. NP-2008-0025(Part) - Oak Hill Combined Neighborhood Plan - Approve second/third readings of an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting land use designations for Tracts AG, H and I of the Oak Hill Combined Neighborhood Plan. These tracts are located within a planning area generally bounded by Southwest Parkway to the north, Barton Creek Greenbelt to the east,

FM 1826, Davis Lane, Clairmont Drive, Abilene Trail, Convict Hill Rd, and Loop 1 to the south, and Thomas Springs Road, Circle Drive and West View Road to the west on the future land use map. The watersheds are Williamson Creek, Slaughter Creek, and Barton Creek - Barton Springs Zone Watershed. On December 11, 2008 Tracts AG, H, and I were postponed to January 15, 2009. First reading approved on October 23, 2008. Vote 7-0. Staff: Maureen Meredith, 974-2695; Minal Bhakta, Department; 974-6453 and Gregory Montes, 974-2629.

**Ordinance No. 20080115-082 approving changes to the future land use map for the following tracts was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.**

**Changing Tract H (Front portion of properties fronting State Highway 71, 8901 State Highway 71 (Promiseland Church) and 8955 State Highway 71 W) to Large Lot Rural Single Family Land Use.**

**Changing Tract I (Rear portion of properties 8901 State Highway 71 W (Promiseland Church) and 8955 W State Highway 71) to Large Lot Rural Single Family Land Use.**

**The motion to postpone Tract AG, 4808 William Cannon Drive, to January 29, 2009 was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.**

84. C14-2008-0115 - William Cannon - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4808 West William Cannon Drive (Williamson Creek Watershed - Barton Springs Zone) from single-family residence-standard lot (SF-2) district zoning to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning with conditions. At First reading on October 23, 2008, City Council approved LO-MU-CO-NP combining district zoning with conditions. Vote: 5-1 (Morrison voted Nay; Martinez off the dais.) Applicant: Marcus Whitfield & Eskew Place, Ltd. (Gail and Marcus Whitfield). Agent: McClean & Howard, L.L.P. (Jeffrey Howard). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

**The motion to postpone rezoning of Tract AG, 4808 William Cannon Drive, to January 29, 2009 was approved on Council Member Leffingwell's motion, Council Member Cole's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais. Direction was given to staff to include as many of the proposed conditional overlays as possible when the action was brought back for Council approval.**

98. C14-03-0116.01 - Met Center II PDA Amendment - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6800 Burleson Road (Carson Creek and Onion Creek Watersheds) from limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To deny limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To deny limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to change a condition of zoning. Applicant: Met Center Partners-8, Ltd. and Met Center NYCTEX Phase II, Ltd. (Howard Yancy). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.

**The motion to close the public hearing and approve the first reading of an ordinance rezoning the property to limited industrial service-planned development area-neighborhood plan (LI-PDA-NP) combining district zoning to change a condition of zoning was approved on Council Member**

Martinez' motion, Council Member Shade's second on a 6-0 vote. Mayor Pro Tem McCracken was off the dais.

Mayor Wynn recessed the Council Meeting at 6:40 p.m.

Mayor Wynn called the Council Meeting back to order at 6:55 p.m.

#### ZONING DISCUSSION ITEMS CONTINUED

83. C14-2008-0125(Part) - West Oak Hill Combined Neighborhood Planning Area Rezonings - Approve third reading of an ordinance amending Chapter 25-2 of the City Code by zoning Tract 12a, located within an area bounded by Southwest Parkway to the north, West William Cannon Drive to the east, F.M. 1826, Davis Lane, Clairmont Drive, Abilene Trail, and Convict Hill Road to the south, and Thomas Springs Road, Circle Drive and West View Road to the west (6,155.03 acres). The proposed zoning changes will create the West Oak Hill Neighborhood Plan Combining District (NPCD) and implement the land use recommendations of the Oak Hill Combined Neighborhood Plan. The City Council may approve a zoning change to any of the following districts: Rural Residence (RR); Single-Family Residence - Large Lot (SF-1); Single-Family Residence-Standard Lot (SF-2); Family Residence (SF-3); Single-Family - Small Lot & Condominium Site (SF-4A/B); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-Family Residence - Low Density (MF-2); Multi-Family Residence - Medium Density (MF-3); Multi-Family Residence - Moderate-High Density (MF-4); Multi-Family Residence - High Density (MF-5); Multi-Family Residence - Highest Density (MF-6); Mobile Home Residence (MH); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Commercial Recreation (CR); Neighborhood Commercial (LR); Community Commercial (GR); Warehouse / Limited Office (W/LO); General Commercial Services (CS); Commercial-Liquor Sales (CS-1); Commercial Highway (CH); Industrial Park (IP); Major Industrial (MI); Limited Industrial Services (LI); Research and Development (R&D); Development Reserve (DR); Agricultural (AG); Planned Unit Development (PUD); Historic (H); and Public (P). A Conditional Overlay (CO), Planned Development Area Overlay (PDA), Vertical Mixed Use Building (V); Mixed Use Combining District Overlay (MU); Neighborhood Conservation Combining District (NCCD); or Neighborhood Plan Combining District (NP) may also be added to these zoning base districts. First reading on Tract 12a was approved on October 23, 2008. Vote 4-3 (McCracken, Cole and Shade voted nay.) Second reading approved on December 11, 2008. Vote 6-1 (Martinez voted nay.) Staff: Maureen Meredith, 974-2695; Minal Bhakta, 974-6453; and Gregory Montes, 974-2629.

There was a motion by Council Member Leffingwell, seconded by Martinez to approve the third reading of the ordinance as follows: SF-1-CO-NP zoning, restricted to 20 units maximum, with vehicular access to all units. If redeveloped, the Waters property would be limited to Waters Way and Twilight Mesa with no more than five units accessing Water Way. If it is not redeveloped, it can maintain access to Hot Springs.

Council Member Martinez offered a friendly amendment that access to Hot Springs would be limited to emergency access only upon redevelopment. This was accepted by the maker of the motion.

The following substitute motion was approved on Council Member Cole's motion, Council Member Shade's second on a 4-3 vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem McCracken and Council Members Cole and Shade. Those voting nay were: Council Members Leffingwell, Martinez and Morrison. The ordinance will include the following provisions: Sf-1-CO-NP zoning, a maximum of 20 dwelling units, new residential units will have motor vehicle access to Twilight Mesa and Waters Way, a 25 foot vegetative buffer or a six foot solid fence will be provided along the north property line of the lots that abut Rotan Drive and the west property line of the lots that

front on Hot Springs Drive and are developed with an existing residence. Upon redevelopment, access to Hot Springs Drive will be limited to emergency and pedestrian access only.

**PUBLIC HEARINGS AND POSSIBLE ACTIONS**

103. Conduct a public hearing and consider an ordinance consenting to the annexation of approximately 0.7 acres into Senna Hills Municipal Utility District ("MUD"), approving the Third Amendment to the First Amended and Restated Agreement Concerning Creation and Operation of Senna Hills Municipal Utility District, and providing a site specific amendment to Chapter 25-8, Subchapter A, Article 12 (Save Our Springs Initiative) for the 0.7 acre tract. The 0.7 acre tract lies within the area known as the Barton Springs Zone in which the City's Save Our Springs Initiative regulations ("SOS") apply. Recommended by the Planning Commission.

The motion to close the public hearing and approve the ordinance failed on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 4-3 vote because this required a super majority vote. Those voting aye were: Mayor Wynn, Mayor Pro Tem McCracken and Council Members Cole and Shade. Those voting nay were: Council Members Leffingwell, Martinez and Morrison.

Mayor Wynn adjourned the meeting at 8:25 p.m. without objection.

The minutes for the Regular meeting of January 15, 2009 were approved on this the 29th day of January 2009 on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.